

FORM-BASED COMMITTEE

October 8, 2020



CHA | FBC

Rules of Procedure.

Order of Business

The order of business for hearing the Form-Based Code cases will be as follows:

1. Staff presentation (7 minutes)
2. Applicant Presentation (7 minutes)
3. Comments by Other Persons (3 minutes each) *(Per City Council's current virtual public meeting protocol)*
4. Applicant Response (2 minutes)
5. Committee Discussion
6. Motion and Vote



Rules of Procedure.

Virtual Public Meetings on Zoom

On March 20, 2020, Governor Bill Lee signed Executive Order No. 16 (“the Order”), which suspends the requirements of the Tennessee Open Meetings Act (“TOMA”) to the extent necessary to allow any governing body subject to the requirements of TOMA to meet and conduct essential business by electronic means if the body determines meeting electronically is necessary to protect the health, safety, and welfare of Tennesseans in light of the COVID-19 pandemic.

The Governor’s Order applies to any state, county, or municipal governing body or any other public body that may be subject to the requirements of TOMA. It allows members of the governing body to participate and vote in public meetings without being physically present to protect public health, safety, and welfare and prevent the spread of COVID-19. This is a temporary measure that originally expired on May 18, 2020, further action has been taken by the Governor and this temporary measure has been extended.

Based on the Governor’s Order this Form-Based Code Committee (FBC) meeting will be audible to the public at the location specified in the notice of the meeting.

- Each member participating electronically or otherwise should be able to hear each other simultaneously and speak to each other during the meeting.
- Documents which will be discussed at the meeting have been provided to members participating electronically prior to the meeting from the FBC agenda posted on the City website, to the extent doing so is practicable.
- All votes at the meeting will be taken by roll call vote.
- Notice of the meeting has provided a statement that the meeting will allow members to participate electronically or by other means.



Rules of Procedure.

Virtual Public Meetings on Zoom

For any Public Comments: At the “Community Comments/ Comments by Other Persons” time of the meeting the Chair will recognize members of the public who wish to address the Commission. The following procedural rules will apply to public comments:

1. Each speaker wishing to address the Commission shall be recognized only after a speaker has provided identification including the speaker’s name and address, establishing that identification before addressing the Commission.
2. No person shall have more than three (3) minutes to speak. (Per City Council’s current virtual public meeting protocol)
3. The speaker may address the Commission only upon matters within the legislative and quasi-judicial authority of the Commission. The speaker may not address the Commission on matters which are not under the authority of the Commission and which are regulated by other governmental bodies or agencies.
4. The speaker shall not be permitted to use any vulgar or obscene language, nor use the floor to personally attack or personally denigrate others. The speaker should address the Commission as a whole and not make comments directed towards individual Commission members.
5. The Chair shall not permit Disorderly Conduct or Disrupting a Public Meeting which is prohibited by Tennessee law after warning is given to the disrupter. A person commits an offense if the person substantially obstructs or interferes with the meeting by physical action or verbal utterance with the intent to prevent or disrupt a lawful meeting or gathering.

Additional Rules of Procedure. Virtual Public Meetings on Zoom

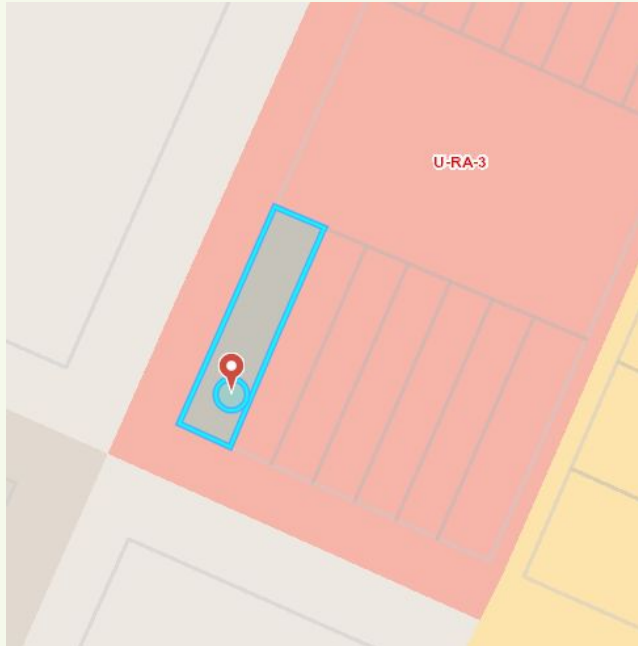
- If you plan to speak you must be sworn in.
- When you begin to speak say your name, address and interest in the project for the record.
- You may leave after your case is heard.
- If you defer your case you will need to notify Staff when you would like to be heard.
- Certificates shall be issued within a week of the meeting through the online application portal.

Agenda

1. Roll Call
2. Swearing In
3. Approval of Minutes
4. Old Business:
 - None
5. New Business:
 - a. FBC-20-11 - 295 W 19TH ST - Appeal of staff decisions/ interpretation: balcony clear height
6. Other Business & Announcements
 - a. Next meeting date for the FBC Committee is: November 12, 2020
 - b. FBC Training to follow this Meeting
7. Adjourn

Case # FBC-20-11

295 W 19TH ST



Purpose of the Application:

Application to appeal the staff decisions/ interpretation of a balcony clear height.

Request Details

Briefly explain the reason for the requested modifications:

Difference of opinion on the interpretation of the regulations, time, cost, aesthetics. Building inspector Matt Cooper approved the framing inspection. An after the fact determination of non code compliance is irregular.

It is a requirement of the FBC principles that the applicant explain how their proposed modification is equal to or exceeds the code per Sec. 38-696 (4) A). Please explain

The structure of the balcony is an elegant solution to a cantilevered platform, in this case a balcony. In steel, it is a modern interpretation of the bracket or strut, an urban form that dates back to antiquity. Since we have 8'-2" clear and 10'-2" clear we feel we have a 9'-0" average minimum clear that is equal to the code requirement.

Zoning: U-RA-3 . Urban Residential Attached

Picture of Sign

Case # FBC-20-11
295 W 19TH ST



Images for Application

Case # FBC-20-11 . 295 W 19TH ST



Staff Report

Case # FBC-20-11 . 295 W 19TH ST

Modification Requested:

1. Staff Interpretation of balcony clear height

Context:

1. Balcony constructed under the applicant interpretation of the “clear height” definition to be from the ground to the floor of the balcony, and supporting elements can be in that “clear height” space.
2. City LDO Staff interprets the “clear height” definition to be a 9 feet space clear of obstruction of all building elements between the ground and any/all elements of the balcony.
3. All previous permitted drawings of the balcony do not show it hanging over the sidewalk with supporting beams in the space below the 9 feet height.

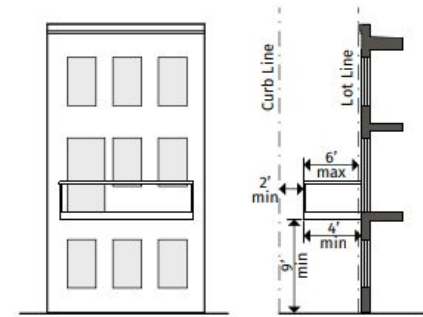
Zoning: U-RA-3

Code Reference

Division 3. Rules for All Zones

Sec. 38-698. Measurements and Exceptions. (6) Building Elements

C. Balcony

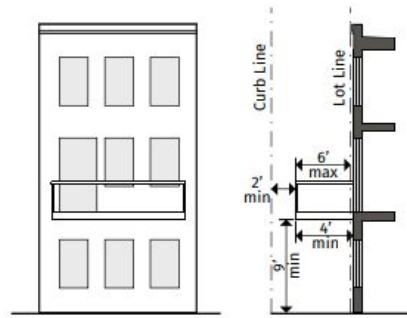


C. Balcony

A platform projecting from the wall of an upper-story of a building with a railing along its outer edge, often with access from a door or window.

1. A balcony must be at least 4 feet deep.
2. A balcony must have a clear height above the sidewalk of at least 9 feet.
3. A balcony may be covered and screened, but cannot be fully enclosed.
4. An balcony may extend into a primary or side street setback.
5. Subject to the issuance of a Temporary Use Permit, a balcony may encroach up to 6 feet over the right-of-way but must be at least 2 feet inside the curb line or edge of pavement, whichever is greater.

Case # FBC-20-11 295 W 19TH ST



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Applicant Comments & Presentation

(7 minutes max)



Comments from City Staff or Others

(3 minutes max each)

(Per City Council's current virtual public meeting protocol)

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(3 minutes each)

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Please raise your hand in Zoom if you would like to speak.



Applicant Response

(2 minutes max)



Committee Discussion, Motion and Vote

Final Information

- Certificates shall be issued within a week of the meeting through the online application portal.
- For any additional questions, please contact the
 - Development Review Planner, Sarah Robbins at 423.643.5842 srobbins@chattanooga.gov
 - Zoning Administrative Support, Levi Witt at 423.643.5878 ls Witt@chattanooga.gov



Adjourn

Motion and Vote